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12 Attorneys for Defendants MP Games LLC,  
Robert Mouchou, Alliance Gaming Corp.  
13 and Bally Gaming, Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

14  
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16 SHUFFLE MASTER, INC.,

Plaintiff,

v.

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18  
19 MP GAMES LLC D/B/A MINDPLAY  
GAMES; ROBERT MOUCHOU;  
20 ALLIANCE GAMING CORP. D/B/A  
BALLY GAMING AND SYSTEMS;  
21 BALLY GAMING, INC.,

Defendants

22  
23  
24 AND RELATED COUNTER-CLAIMS

) CASE NO. CV-N-04-0407-HDM-(RAM)

)  
) **SUPPLEMENTAL DECLARATION OF**  
) **DR. A. LYNN ABBOTT IN SUPPORT**  
) **OF DEFENDANTS' JOINT REPLY**  
) **CLAIM CONSTRUCTION BRIEF**

1 I, A. Lynn Abbott, declare as follows:

2 1. I submit the following declaration on behalf of Defendants MP Games LLC,  
3 Robert Mouchou, Alliance Gaming Corp. and Bally Gaming, Inc. (collectively, "Defendants") in  
4 support of Defendants' Joint Responsive Claim Construction Brief.

5 2. My professional credentials are set forth in my first declaration, Declaration of Dr.  
6 A. Lynn Abbott in Support of Defendants' Joint Responsive Claim Construction Brief, at  
7 Paragraphs 2-6, which are incorporated by reference.

8 3. I have been retained by Defendants to provide opinions on the meaning of  
9 asserted claims of U.S. Patent No. 6,517,436 ("the '436 Patent") and U.S. Patent No. 6,520,857  
10 ("the '857 Patent") ("Defendants' patents").

11 4. In connection with the preparation of this declaration, I have thoroughly reviewed  
12 Defendants' patents. I have also examined their respective prosecution histories and prior art  
13 cited in the patents and their prosecution histories.

14 5. As a technical expert, I have been instructed by the attorneys for Defendants on  
15 the process of patent claim construction. Specifically, it is my understanding that a patent is to  
16 be construed or interpreted as it would have been by a person having ordinary skill in the art at  
17 the time that the patent was filed. My opinions are based on that understanding.

18 6. A person of ordinary skill in the art would know that an "other image capture  
19 device" as that term is used in the '436 and '857 Patents could be used for "table imaging" or for  
20 "imaging at least a portion of the playing surface of the gaming table."

21 7. Moreover, one of ordinary skill in the art would know what image capture devices  
22 would be appropriate for such a task.

23 8. In the '436 Patent, claims 5 and 7, "second table imaging field-of-view different  
24 from and the first table imaging field-of-view" would be understood by one of skill in the art as  
25 "second table imaging field-of-view different from the first table imaging field-of-view."

26 9. Defendants' proposed correction of "second table imaging field-of-view different  
27 from and the first table imaging field-of-view" to "second table imaging field-of-view different  
28

1 from the first table imaging field-of-view" reflects the only way one skilled in the art could  
2 reasonably read the patent language in question.

3 I declare under penalty of perjury under the laws of the United States of America that the  
4 foregoing is true and correct.

5 Executed on this 8th day of April, 2005 at Blacksburg, Virginia.

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8 Dr. A. Lynn Abbott  
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